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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,156	11/08/2006	Frederick J. Halterman	13770US02	9069

23446 7590 06/14/2007
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EXAMINER

ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

MAIL DATE	DELIVERY MODE
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06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,156

Applicant(s)

HALTERMAN, FREDERICK J.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10 and 16-25 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 11-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/10/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed May 10, 2007 has been considered by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 9, 10, 16, 17, 19-21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole et al (US 6,612,081; hereinafter Cole).

Regarding claim 1, Cole discloses a cover assembly (2 or see figure 2) for an in-floor receptacle fitting of the type configured to support at least one electrical receptacle, comprising: a trim flange (3) connectable to the fitting (10), the trim flange (3) having an opening (80) that overlies the fitting and provides access to the at least one electrical receptacle (see figure 2); an access door mounting member (4) connectable to the trim flange (3), the access door mounting member (4) having an opening that overlies the opening in the trim flange (see figure 2); first and second access doors (304a, 304b) connected to the access door mounting member (4) for movement between closed positions at which the access doors are adjacent one another and overlie the at least one receptacle and open positions at which the access

doors are spaced from one another and the at least one receptacle is exposed (see figure 2); a first seal member (346) adapted to seal against moisture infiltration between the access door when the access door are at their closed position (column 9 lines 55-61); a second seal member (5) interposed between the mounting member (4) and the trim flange (3) to seal against water infiltration between the mounting member and the trim flange (see figure 2); and a third seal member (6) interposed between the trim flange (3) and a floor surface (see figure 2) to seal against water infiltration between the trim flange and the floor surface (column 10 lines 38-57).

Regarding claim 2, Cole discloses the cover assembly (2), wherein the at least one electrical receptacle (24) comprises a power receptacle having first and second outlets (90) and wherein each of the access doors (304a, 304b) is associated with one of the outlets, each access door being movable between an closed position at which it overlies the associated outlet and an open position at which the associated outlet is exposed (column 8 lines 34-46).

Regarding claim 4, Cole discloses the cover assembly (2), wherein the access doors (304a, 304b) are slidably connected to the mounting member (column 8 lines 63-65).

Regarding claim 5, Cole discloses the cover assembly (2), further comprising locking mechanism (column 9 lines 1-21) adapted to releasably lock the access doors at their open and closed positions.

Regarding claim 9, Cole discloses the cover assembly (2), wherein the locking mechanism (column 9 lines 1-21) first and second spring members associated with

the first and second doors, respectively (column 9 lines 18-21).

Regarding claim 10, Cole discloses the cover assembly (2), wherein the first and second springs are carried by the first and second doors (column 9 lines 18-21), respectively, the springs being configured to releasably mate with reciprocal features in the mounting member for releasably locking the doors at their open and closed positions (column 9 lines 1-21).

Regarding claim 16, Cole discloses the cover assembly (2), wherein the second seal member (5) comprises a generally planar portion that is compressed between the mounting member (4) and the trim flange (3), the seal member (5) having an access opening (340) which provides access to the at least one receptacle and upwardly extending rib (346) formed around the perimeter of the access opening and being positioned to abut with the access doors when the access doors are at their closed positions so as to seal against water infiltration between the rib and the doors (column 9 lines 55-61).

Regarding claim 17, Cole discloses the cover assembly (2), wherein the third seal member (6) comprises at least one gasket which is adapted to be compressed between the trim flange and an upper surface of the floor when the trim flange connected to tile fitting (column 10 lines 38-57).

Regarding claim 19, Cole discloses the cover assembly (2), wherein the opening (84) of the trim flange (3) is configured to support the at least one receptacle (see figure 2).

Regarding claim 20, Cole discloses the cover assembly (2), wherein the

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electrical receptacle (24) comprises a duplex power receptacle having first and second outlets (see figure 2).

Regarding claim 21, Cole discloses a cover assembly (2) for an in-floor electrical fitting (see figure 2), comprising: a trim flange (3) secured to the fitting, the trim flange (3) having an opening (84) that fitting and supports at least one electrical receptacle (24); an access door mounting member (4) secured to the trim flange (3), the access door mounting member (4) having an opening that overlies the opening in the trim flange and provides access to the at least one electrical receptacle (see figure 2); first and second access doors (304a, 304b) movably connected to the access door mounting member, each access door being movable between a closed position at which it overlies a portion of the electrical receptacle and a second position at which the respective portion of the electrical receptacle is exposed and accessible through the opening (see figure 2); a first seal member (346) adapted to seal against moisture infiltration between the access door when the access door are at their closed positions (column 9 lines 54-61); a second seal member (5) interposed between the mounting member (4) and the trim flange (3) to seal against water infiltration between the mounting member and the trim flange ; and a third seal member (6) interposed between the trim flange (3) and a floor surface to seal against water infiltration between the trim flange and the floor surface (column 10 lines 38-57).

Regarding claim 23, Cole discloses the cover assembly (2), wherein the access doors (304a, 304b) are slidably connected to the mounting member ((column 8 lines 63-65).

Regarding claim 24, Cole discloses the cover assembly (2) for an in-floor electrical fitting (see figure 2), comprising: a trim flange (3) secured to the fitting, the trim flange (3) having an opening (84) that supports a power receptacle (24) having first and second outlets; an access door mounting member (4) secured to the trim flange (3), the access door mounting member (4) having an opening that overlies the power receptacle to provide access to the outlets (see figure 2); first and second access doors (304a, 304b) movably connected to the access door mounting member (4), each access door being movable between a closed position at which it overlies a respective one of the first and second outlets and a second position at which a respective one of said first and second outlets is exposed and accessible through the opening in the mounting member (see figure 2); a first seal member (346) adapted to seal against moisture infiltration between the access door (column 9 lines 55-61); a second seal member (5) interposed between the mounting member (4) and the trim flange (3), to seal against water infiltration between the mounting member and the trim flange (see figure 2); and a third seal member (6) interposed between the trim flange (3) and a floor surface to seal against water infiltration between the trim flange and the floor surface (column 10 lines 38-57).

Regarding claim 25, Cole discloses a cover assembly (2) for an in-floor fitting (see figure 2), comprising: a trim flange (3) connectable to the fitting, the trim flange (3) having an opening (84) that provides access to an interior compartment of the in-floor fitting; an access door mounting member (4) connectable to the fitting, the access door mounting member (4) having an opening that overlies the opening in the trim

flange (see figure 2); an access door (304a, 304b) movably connected to the mounting member (4) for movement between a closed position at which the door covers the opening in the mounting member and an open position at which the opening in the mounting member is exposed (see figure 2); a first seal member (346) which seals against moisture infiltration between the access door and the mounting member when the door is at its closed position (column 9 lines 55-61); a first seal member (346) adapted to seal against moisture infiltration between the access door (column 9 lines 55-61); a second seal member (5) which seals against water infiltration between the mounting member and the trim flange (see figure 2); and a third seal member (6) which seals against water infiltration between the trim flange and the floor (column 10 lines 38-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al (US 6,612,081; hereinafter Cole) in view of Wuertz et al (US 5,422,434; hereinafter Wuertz).

Regarding claim 3, Cole discloses the claimed invention except for the access doors being pivotally connected to the mounting member. Wuertz teaches a cover

assembly for an in floor fitting comprising a mounting member (20) and access doors (70) pivotally connected to the mounting member (see figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to pivotally connect Cole's access door to the mounting member as taught by Wuertz to provide means for selectively exposing the access opening.

Regarding claim 6, the modified Cole discloses the claimed invention except for the locking mechanism comprising a locking screw carried by the access door-mounting member. Wuertz teaches a cover assembly (20) for in floor receptacle fitting having a locking mechanism (see figure 4) comprising at least one locking screw carried by an access door mounting member (40), the locking screw (102) being movable between a first position at which the doors are movable between their open and closed positions and a second position which restricts movement of the access doors between their open and closed positions (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Cole's cover plate with a locking mechanism comprising a locking screw carried by the access door-mounting member taught by Wuertz to provide alternate means for locking the doors.

Regarding claim 18, Cole discloses cover assembly (2), wherein the access opening has in the mounting member (4) is generally rectangular (see figure 2) and includes first and second ends (see figure 2); but Cole lacks the first and second doors being pivotally connected to the mounting member at locations distally adjacent the first and second ends of the access opening, respectively. Wuertz teaches a cover

assembly for an in floor fitting comprising a mounting member (20) including first and second ends; and an access door (70) pivotally connected to the mounting member (see figure 4) at locations distally adjacent the first and second ends of the access opening, respectively. It would have been obvious to one of ordinary skill in the art at the time the invention was made to pivotally connect Cole's access door to the mounting member at locations distally adjacent the first and second ends of the access opening, respectively as taught by Wuertz to provide means for selectively exposing the access opening.

Regarding claim 22, Cole discloses the claimed invention except for the access doors being pivotally connected to the mounting member. Wuertz teaches a cover assembly for an in floor fitting comprising a mounting member (20) and access doors (70) pivotally connected to the mounting member (see figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to pivotally connect Cole's access door to the mounting member as taught by Wuertz to provide means for selectively exposing the access opening.

Allowable Subject Matter

4. Claims 7, 8 and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 7, 8 and 11-15 are:

Regarding claims 7-8, the prior art does not teach or fairly suggest in combination with the other claimed limitations a cover assembly comprising a locking mechanism comprises first and second ball plunger associated with the first and second doors, respectively, each ball plunger including a ball member which interfaces with a surface of a respective access door to releasably lock the associated door at its open and closed positions.

Regarding claim 11, the prior art does not teach or fairly suggest in combination with the other claimed limitations a cover assembly comprising cover assembly wherein the first seal member comprises at least one compressible seal carried by at least one of the access doors.

Regarding claims 12 and 13, the prior art does not teach or fairly suggest in combination with the claimed limitation the cover assembly wherein the first seal member comprises a pair of compressible seal members, each of the compressible seal members being carried by one of the access doors, the compressible seal members being positioned to abut one another when the access doors are at their closed positions so as to seal against moisture infiltration between doors.

Regarding claims 14 and 15, the prior art does not teach or fairly suggest in combination with the claimed limitation the cover assembly, wherein the first seal member comprises at least one magnetic seal member.

These limitations are found in claims 7, 8 and 11-15, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Response to Arguments

5. Applicant's arguments filed March 29, 2007 have been fully considered but they are not persuasive.

The applicant argues that Cole (US 6,612, 081) does not describe, teach or suggest a third seal member. The Examiner disagrees and points out that Cole clearly teaches a cover assembly (2) comprising: a first seal member (346) adapted to seal against moisture infiltration between the access door when the access door are at their closed position (column 9 lines 55-61); a second seal member (5) interposed between the mounting member (4) and the trim flange (3) to seal against water infiltration between the mounting member and the trim flange (see figure 2); and a third seal member (6) interposed between the trim flange (3) and a floor surface (see figure 2) to seal against water infiltration between the trim flange and the floor surface (column 10 lines 38-57). The Applicant argues that the first seal (346) is part of the second seal (5) and is not a separate and distinct seal member, the Examiner agrees with the Applicant that Cole does not disclose three separate and distinct seal members but claims 1, 21, 24 and 25 of the present application does not claimed the seal members as being separate and distinct from each other. Although the first seal member (346) is part of second seal member (5) they are considered as two different seal members because they have two different sealing functions; the first seal member (346) seals against moisture infiltration between the doors and the second seal member (5) seal against water infiltration between the mounting member and the trim flange. Furthermore, the claims must be given their broadest reasonable

interpretation. MPEP 2111. Therefore, Cole teaches a cover assembly comprising: a first seal member (346), a second seal member (5) and a third seal member (6).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 6, 2007



Angel R. Estrada
Primary Examiner
Art Unit: 2831